

A D D R E S S

TO THE

Justices of the County of Gloucester,

ASSEMBLED

At their MICHAELMAS General Quarter-Sessions,

1789.

Mr. CHAIRMAN,

AS an apology for engaging so much of the attention of this Court, as I am about to do, I must claim your recollection of the proceedings of the last sessions, relative to the subject under our present consideration.

You may remember, Sir, that I had then the honour to report to the Bench, from the Commissioners for building the Gaol and Houses of Correction—"That in consequence of the advanced state of the building under their care, it appeared to them proper to remind the Magistrates of the necessity of their proceeding to frame Bye-Laws and Regulations for their police; and to consider of an effective appointment of officers for their government."—The business having been immediately entered upon,



was postponed with a special request, " That I
" would, at this session, present to the court an
" abstract of such statutes as direct their proceed-
" ings on this behalf;—together with a sketch of
" such regulations as should appear to me fit to
" be adopted;—and my thoughts on the arrange-
" ment and duty of the officers to be appointed."

However reluctantly I should take any part that might have the appearance of dictating to this Bench, or of deciding for the public in a business of so much importance;—whilst I continue to be a resident Magistrate, I shall cheerfully take my share of those duties, which must necessarily devolve on the magistracy of the county, in consequence of the public resolution to reform the general system of imprisonment.—I have no wish to withhold my sentiments (incomplete as they are) from public investigation;—on condition, *only*, that they be considered as incorrect matter, subject to future revision, when more leisure and further information may enable me to present them in a more perfect state.

The completion of the buildings will be the term of my *individual* duty. Surrendered to your care,—may they prove a means of wholesome correction and useful reformation;—I trust they will be used with the temper and discernment worthy of a liberal and enlightened Magistracy.—The efficacy of a design which has been so long the theme of the philanthropist, and the object of the legislature, is brought to its test;—It depends on the Magistrates, and on the public themselves, whether their own expectations shall be realized.

When in the year 1783 (at the public request) I prepared a plan for the reform that had been previously

previously resolved on, I delivered it accompanied with a caution, which it was my *earnest* endeavour to impress on the minds of those whom I then addressed;—and to which I shall take leave to bind the public criticism, *at all times*, when pointed at the projector of the undertaking.

The following is the passage of my former address, to which I allude*:

“ As I understand that the system I have recommended has been considered as an impracticable theory, we cannot too soon examine the grounds for such a reflection; for if it should really arise from the nature of the attempt, it ought to be decisive on the business of this day.—It would indeed be insulting your understanding with a chimera, should I presume to offer to your attention a plan of reform depending solely for its effects on principle of construction; moral effects can be produced only by moral means; and I readily acknowledge, that in stating public reformation as the consequence of our design, I have presumed on a spirited co-operation of all the powers of magistracy.

“ I will not admit that there actually exists in the Magistrates of this county, an indolence that will prevent their constant attention to the future regulation of the prisons when built; but I must take this opportunity to suggest, *that if Gentlemen are conscious that such may be the event, it will be an injustice to the fund appropriated to the undertaking, not to avow it at this early moment*;—The consequence of past neglect is sufficiently obvious; and should the

* Second Address, p. 60.

“conduct be similar, when the present undertaking shall be accomplished, *all our expenditure will be ineffectual.*”

This caution produced not a single doubt in the meeting. The resolution was zealous and unanimous, “*That the plan proposed should be adopted in its full extent.*”

It must indeed be admitted, that the duties which tend to promote the peace and good order of society, are not *exclusively* those of the Magistrate ;—There are public regards, which every citizen owes to himself and to society, which multiply in proportion to the degree of civil liberty existing in the constitution ;—But it is foreign to our *present* purpose to enter on this wide field of general neglect, whence the best purposes of our laws are suffered to sleep in fatal inaction.

AS MAGISTRATES SUPERINTENDING THE PUBLIC ORDER IN OUR RESPECTIVE DISTRICTS, OUR duty is as indefinite as it is extensive ;—AS HAVING COGNIZANCE OF VARIOUS PETTY OFFENCES IN A SUMMARY WAY, AND AS DETERMINING PUNISHMENTS, WHEN ASSEMBLED ON THIS BENCH, I must venture an observation analogous to the present subject, as it points to a principle of our practice in these capacities, on a due perception of which, will solely depend the effect of the best purpose of our prisons.—In the punishment of the class of crimes of inferior turpitude, which alone come under our jurisdiction, *the reformation of the criminal* is the sole end that the law avows ;—Punishments,

• “The end or final cause of human punishments is not by way of atonement or expiation for the crime committed ; for that must be left for the just determination of the Supreme Being ;”

nishments, therefore, which have *not* that tendency, should be very sparingly, or, at least, very considerately administered;—Such as are attended with *public shame* to the offender, are repugnant to every idea of *reformation*, and come within the class of *exemplary* punishments, which, I believe, are never inflicted without rendering the sufferer a victim to a sense of public degradation. Public punishments are undeniably useful; perhaps sufficiently so to demand their victims;—I contend only that they should not be indiscriminately or capriciously taken; they should be *selected* from amongst the *desperately* depraved.

Public whipping through the streets of populous towns is a common punishment for small offences. From the manner in which it is generally executed, it serves no better purpose than to mark with indelible infamy those who suffer it, and to give offence to every decent inhabitant.—The sentencing women to this punishment, is such an offence to common decency, that must disgust the most uncivilized spectator*. I wish

ing:—but as a precaution against future offences of the same kind. This is effected, *three* ways, either by the amendment of the offender himself, for which purpose all corporal punishment, fines, and temporary exile or imprisonment, are inflicted;—or by deterring others, by the dread of his example, from offending in the like way;—*ut paucis ad paucos, metus ad omnes perveniat*;—which gives rise to all ignominious punishments, and to such executions as are open and public;—or lastly, by preventing the party injuring of the power to do future mischief, which is effected by putting him to death, or condemning him to perpetual confinement, slavery, or exile.—*The method, however, of inflicting punishments, ought always to be proportioned to the particular purpose it is meant to serve, and by no means to exceed it.*

Blackstone's Com. Book IV. p. 11.

* The following *elegant* and detailed instructions for that operation, taken from our sanguinary code of vagrant laws, and which

particularly to observe, that our institution will, in most cases, provide a sufficient *legal* alternative, where the Magistrate shall think proper to apply it. There are a few statutes which direct public whipping, without any alternative. If our present design should succeed on experiment, the Bench will probably agree with me in the propriety of an application to Parliament to include such special cases in the more general rules of law.

Seeing, as I now do, on this Bench, my superiors in all those circumstances that make the laws respected in the person of the Magistrate,—it would be presumption in me to enlarge on your general duties, either as Men or as Magistrates. As constituting a Court assembled for the express purpose of carrying into effect the provisions of statutes, to which your request has directed my particular attention, I shall proceed with confidence to the points referred to me.---The duties that remain to be executed are the principle of motion to the machine;---it may facilitate the action, if in some degree adapted by the mechanic.

Under favour of your patience, on a subject which I despair of being able to render entertain-

is now understood to be the latest legal definition of the act of whipping, will be presumed sufficient authority for my observation.---By 22 H. 8. "The vagrant shall be carried to a market-town, and there tied to the end of a cart, *naked*, and "beaten with whips throughout such market-town or place, till "the body be bloody by reason of such whipping.---And by a following statute in a female reign, it is said, "The body to be "stripped--*naked* from the middle upwards; and openly whipped till the body, &c. should be bloody."---From this punishment there seems no exemption for women, unless "*big with child*."---It must be allowed to be an infallible means of dissipating any remaining modesty, that might prevent their being furnished with the legal dispensation on a future occasion.

ing,

ing,—I shall *first* endeavour to trace the powers under which you are to act, and by which you are *specially* directed in your duty;—I shall *then* proceed to consider the purposes of each prison, and the nature of the rules for its government;—which will lead me to the last and most essential point,—*The nature of the offices to be filled, and a consideration of the characters proper to fill them.*

Respecting HOUSES of CORRECTION.— Powers of Magistrates.
By the 25th Geo. III. c. 10, sect. 29, It is enacted, “ That, as soon as the houses of correction, or any of them respectively, are fit for the reception of offenders, you (as Justices of the Peace for the county) shall have power and authority over them; and at the first general or quarter sessions, after they shall be so fit, you are directed to frame a body of orders and regulations for governing and regulating the same; and for employing, relieving, and punishing the persons therein, according to the true intent of 17 G. II. c. 5, sect. 31.—You are then to declare them as fit for the reception of offenders, and to make order for using the same accordingly, and for transferring offenders from the present houses of correction, which said old houses of correction are no longer to be used as such; and you are afterwards to repair and support the said new houses of correction, with the aqueducts, &c. in the same manner as houses of correction ought to be by the laws and statutes of this realm.” HOUSES of CORRECTION.
By the same act, (sect. 30,) “ The appointment of a surgeon or apothecary to the penitentiary house, and houses of correction, is a matter you
“ are

“ are to take into your consideration.”—The appointment is optional in the breast of the session. If you determine to appoint, “ you are to pay him a stated salary; you may remove him, and vary his salary from time to time.”

The 22d G. 3. c. 64, contains a schedule of regulations, “ which you are to see enforced and observed, subject to such additions, (which you are thereby authorized to make) as are not contradictory to the rules, orders, and regulations established by that act.”

By the 7th J. c. 4, and 22 G. 3. c. 64, “ You are to appoint fit persons (not being women) to be governors, with such salary as you may think fit, taking a sufficient security for the continuance and performance of the said service;”—“ You may allow them some proportion of the profits earned by the prisoners;—and may appoint a temporary assistant, or assistants, to instruct the prisoners in any business or manufacture.”

By the said 22d G. 3. c. 64, sect. 12, “ You may appoint a Minister of the church of England, *residing near to the house of correction*, to perform divine service there every Sunday, and allow him a salary not exceeding 20l. per ann.”

By the same act, sect. 1, “ You are directed to take care that the persons convicted on charge of felony, or on conviction of theft or larceny, be kept separate from other prisoners,---and that women be kept apart from the men.”

And, sect. 3, “ You are to call on the keeper of every house of correction, at every quarter sessions, to produce to you in writing a list of the persons in his custody, stating the offence, time of commitment, and other circumstances relative thereto, as expressed in the said act;---
“ and

“ and you are from time to time to direct a sufficient quantity of materials for manufactures, to be provided for the employment of the prisoners confined to hard labour.”

The Building described by the general term of the COUNTY GAOL, must be considered as consisting of three distinct prisons, for separate and distinct purposes; and though, from considerations of economy, the government may be blended into one establishment of officers, it will be proper to follow the directions of your act in specially defining the purposes of each, and forming rules accordingly. —

PENITEN-
TIARY
HOUSE and
GAOL

The PENITENTIARY-HOUSE, which makes part of this building, is a species of prison for the punishment of convicted prisoners,—first imagined by the 19th G. 3. c. 74, and therein directed to be *immediately* provided for national use;—and “ in the mean time, and until such general prisons should be compleated”, the counties are respectively directed to provide proper places for carrying into effect so much of the statute as may appear consistent with the limited extent of a single county.”—A statute, more ably designed, or more correctly worded, never passed the legislature of this kingdom:—it bears every mark of its respectable origin;—it exhibits the compounded studies of the sound lawyer,—of the humane philosopher,—and the ingenious mechanic;—It is, perhaps, too correct a theory for complete execution.—This positive law has now existed ten years without effect,—supervisors were appointed—plans have been determined,—and situation fixed; yet it has finally fallen into decided neglect as a national object. The alternative is now

fully provided for in this county, where the principles of this humane and salutary law have been incorporated into a special act, and will exist complete, tho' the powers of its original should be suffered to lapse*

Glocestershire Act.—Sect. 31. The Penitentiary House (like the other houses of correction, when reported to you by the commissioners as ready for the reception of offenders) comes immediately under *your* care and management,—and, “is to be maintained, supported, and repaired as houses of correction are directed to be;—you are to appoint proper officers, and to form rules and regulations for its government,” in manner directed in a following clause;—which being completed, “you are to order your clerk to certify to the Judges at the ensuing assizes, that the Penitentiary House is fit for the reception of offenders;—and from that time it is to be used as a Penitentiary House for the county.”—It may also be necessary to observe to you as a court having cognizance of various felonies,—that the Penitentiary House is by your act, (sect. 31,) defined to be a place of reception for offenders lawfully convicted at any assize or quarter sessions, of any crime for which they shall be liable to be imprisoned and kept to hard labour within any Gaol or House of Correction, or other proper place within the county, or where any such imprisonment and labour shall be ordered as a condition of his Majesty's mercy extended to any capital or transportable convict.”—And (sect. 32) in all cases where

* The Penitentiary Act was originally limited to the year 1784, —By 24 G. III. c. 56. was continued to 1787—And by 28 G. III. c. 24. It was further continued “to June 1, 1793, and to the end of the then next Session of Parliament.”

sentence of transportation shall be inflicted by this court,—“ You are to order the convict to confine-
 “ ment and hard labour in this prison until he can
 “ be sent to the place of his destination; —and
 “ the time which he shall be there detained shall
 “ be reckoned in discharge of his original term of
 “ transportation.”—And (sect. 34) “ In all cases
 “ of sentence to this prison, your clerk must de-
 “ liver to the gaoler a certificate of the sentence in
 “ manner directed; immediately on the receipt of
 “ which, the gaoler must remove such convicted
 “ offender to the Penitentiary House, and deliver
 “ him with such certificate to the governor
 “ thereof.”

In forming the police of this prison we can have no precedent;—we must consider for ourselves what has the best appearance of success;—expect many things to fail that we imagine;—and improve by our own experience.

The *Principle* to be adopted in regulating this prison, is declared by your county act, with reference to the national act:—By sect. 43, “ Pre-
 “ vious to the opening it, at a quarter sessions (at
 “ which seven at least shall be present) you are di-
 “ rected to appoint a governor or task-master, and
 “ such other officers, and with such salaries, as you
 “ shall deem necessary;—and in fixing the salary
 “ of such governor or task-master, you shall have
 “ regard (so far as may be) to the making the emo-
 “ luments of the office depend on the quantity of
 “ work done and performed, that (says the act) *it*
 “ *may become the interest, as well as the duty, of*
 “ *such governor or task-master, to see that all per-*
 “ *sons under his custody be regularly and profitably*
 “ *employed.*”—And “ the governor and other of-
 “ ficers shall give such security for the performance

“ of their duty, as you shall appoint; and on
 “ any negligence or misbehaviour, you may either
 “ proceed against them on the security to be given,
 “ or may fine them, as in the case of Houses of
 “ Correction by 7 J. c. 4.”

Sect. 44. “ You are also (being seven assembled) required, previous to the opening, to make
 “ such bye-laws, rules, and orders, as you may
 “ think proper, for receiving—separating—classing
 “ dieting—cloathing—maintaining—employing—
 “ reforming—governing—managing—treating—and
 “ watching all offenders during their confinement.
 “ You are to adjust what aid shall be given them,
 “ as well during their confinement, as on their being
 “ released;—and in making these bye-laws, you
 “ are to have regard to the discipline, provisions,
 “ and directions, of 19th G. 3. concerning the national
 “ Penitentiary Houses, as near as shall appear to you
 “ consistent with the more limited design of a Penitentiary
 “ House for the county.”—
 “ But your bye-laws, rules, and orders, so made, can
 “ have no force, until they have been submitted to
 “ the Judges of assize, at the assize, which shall be
 “ holden for the county, next after the making such
 “ bye-laws, rules, and orders, and the said Judges
 “ shall have subscribed a declaration, *that they do*
 “ *not see any thing contrary to law therein*,—and
 “ as soon as the rules and regulations shall be so
 “ made, and the Governor appointed, you shall
 “ (sect. 31) direct the Clerk of the Peace to make
 “ certificate thereof to the Judges, at the ensuing
 “ assize.”

The BRIDEWELL within the boundary wall of the goal, and which is attached to the Penitentiary House, will, of course, be governed by the same regulations, by which the other Bridewells shall

shall be governed.—I should conceive it will not be necessary to appoint any distinct officers ; In its establishment, it may in all things, make part of the Penitentiary House.

Respecting the GAOL ; or what is peculiarly the *Sheriff's Prison* ;—as the Sheriff is answerable for the safe keeping of all prisoners committed to it, he has an undoubted and sole right to nominate the Keeper. GAOL.

The least contemplation on the subject will be convincing, that duly to apply the principles adopted in the construction of the Gaol and Penitentiary House, is not an office, that should be intrusted to every pretender to a Sheriff's favor ;—It is a duty that cannot be executed without great attention, and requires more habit, than can be acquired in a year's service ; These, on a first impression, have the appearance of reasons, that might have induced the legislature to have permitted the county to place the administration of the Gaol within the influence of a *perpetual* body, instead of a *fluctuating* and *annual* officer ;—and thereby to have obviated the evident inconsistency, that the consequences of escape, or of mal-administration, shall fall on the Sheriff,—whilst the means of preventing it, remain in other hands not so responsible ;—yet, substantial as may appear these objections to the present system ; they are met by others infinitely more important, and such as totally reject the idea of an attempt at alteration, at least by a special bill ;—Leaving, therefore, the Sheriff's *power*, as well as his *responsibility*, undiminished within THE GAOL,—it is your duty to maintain the custody of your PENITENTIARY HOUSE uniform, permanent, and uninterrupted.

In

In the table of rules, I shall have the honour to lay before you, you will find, that minute distinction is observed, respecting the classing and keeping of the various prisoners ;—which, if justified by reflection on the various causes of imprisonment, will, I trust, be approved by this Court.

All persons whatsoever, who are committed for crimes, *for which they are liable to be tried before a court and jury*, ought to be lodged in the Sheriff's custody, and as immediately as possible delivered to the care of his delegate, who will be called on by the Court to produce the prisoner ;—Debtors of every description, whether on mean process, judgment, or fine, must also be under the Sheriff's care ;—whilst all prisoners on sentence to labour or imprisonment, as a punishment of an offence, *on conviction*, are to be removed from the Sheriff's keeping, into that of your officer.

By Gloucestershire Act, sect. 40. “ Before the
 “ opening of the Gaol, for the reception of prison-
 “ ers, a body of rules, orders, and regulations, as
 “ bye-laws, for the government of the prisoners
 “ confined therein, shall be made and confirmed by
 “ such persons, and in such manner, as is appointed
 “ for County Gaols in general, by a statute of the
 “ 32d G. 2. c. 28. viz.—*By three or more Justices*
 “ *of the Peace for the county, at some General or*
 “ *Quarter Sessions ; and shall afterwards be review-*
 “ *ed, and may be altered, if thought necessary, by the*
 “ *Judge or Judges of assize, at the next assize, which*
 “ *shall be held, after making any such rules and or-*
 “ *ders ;—and after the making, altering, or amend-*
 “ *ing, such rules and orders, by persons so authorised,*
 “ *a duplicate thereof shall be transmitted to the*
 “ *Clerk of the Peace, to be by him entered on the rolls*
 of

“ of the sessions (without fee) and the said Clerk of
 “ the Peace shall cause another copy thereof to be
 “ hung up in the Court of Assize, or Quarter Session,
 “ there to remain, and be inspected as occasion shall
 “ require, and shall transmit another copy thereof
 “ to the Gaoler or Keeper, which Gaoler or Keeper
 “ shall forthwith cause the same to be hung up in some
 “ open or public room, and shall preserve and keep the
 “ same, so that prisoners may have free and easy resort
 “ thereto, at seasonable times in the day time, without
 “ paying any thing for the same.”——And again by
 your act, (sect. 40,) “ in such rules, orders, and
 “ regulations, proper and particular directions shall
 “ be given, for effectuating such separation and
 “ classing of prisoners, as is provided for in the
 “ particular construction of the prison, with such
 “ further separation and classing, as shall be thought
 “ requisite, and also as well for enforcing amongst
 “ the prisoners cleanliness, temperance, and a de-
 “ cent and orderly behaviour, as for securing a just
 “ and humane treatment of them, by the Gaoler
 “ and his servants;”——

“ You are further empowered (by your act,
 “ sect. 41) to provide means for setting to work
 “ all prisoners within your Gaol, who are willing
 “ so to do;”——And (sect. 42) “ with regard to
 “ persons not able to work, or being able, who
 “ cannot procure employment sufficient to sustain
 “ themselves by their industry, or who may *not*
 “ otherwise be provided for, you may order neces-
 “ sary food and raiment.”

By the 14th G. 3. c. 59, “ You are required
 “ to order the cells and wards, and all other apart-
 “ ments, to be scraped and white washed once in the
 “ year, and to be *regularly* washed and kept clean
 “ and to be constantly supplied with fresh air, by
 “ means

“ means of ventilators or otherwise:—to order two
 “ rooms in each prison, one for *male* and the other
 “ for *female* prisoners, to be set apart for the sick,
 “ and to direct their removal into such rooms, when
 “ seized with any disorder;—You are to order
 “ warm and cold baths, and the prisoners to be
 “ washed therein;—You are to order cloaths to
 “ be provided for the prisoners, when you shall see
 “ occasion;—and to make such other orders for re-
 “ storing or preserving the health of prisoners, as
 “ you shall think necessary;—and if any gaoler or
 “ keeper shall neglect or disobey your orders, you
 “ may direct him to be prosecuted, either in a sum-
 “ mary way, or before a court of assize or quarter-
 “ session, and he shall be punished (if guilty) by fine
 “ or imprisonment.”—“ You are (by the same act)
 “ required to appoint an experienced surgeon or apo-
 “ thecary, at a stated salary, to attend the gaol;—
 “ and you are to direct him to report to you at each
 “ quarter session, a state of the health of the pri-
 “ soners under his care;—And lastly, you are to
 “ direct this act to be painted on a board, and to
 “ be hung up in some conspicuous part of the
 “ gaol.”

By the 13th G. 3. c. 58, “ You are autho-
 “ rized to appoint a clergyman to perform religious
 “ duty, according to the rites of the church of Eng-
 “ land, within the gaol;—to settle what duty shall
 “ be performed, and what salary shall be paid to
 “ such clergyman, not exceeding 50l. per annum;
 “ and in case any such clergyman should die, or be
 “ thought unworthy, you may nominate or appoint
 “ any other clergyman to officiate in the room of
 “ him so dying, or being deemed unworthy.”

By the 22d and 23d C. 2. c. 20, “ Felons
 “ and debtors shall be kept a-part, and not lodged
 “ in one room or chamber.”

The

The 29th G. 3. c. 67, directs a duty that commences at the *present*, and will continue at every *future* Michaelmas quarter sessions; and tho' it does not affect you in forming your rules, it must be mentioned in the list of duties relative to gaols :
 ——“ The gaoler, under a penalty of 50l. for each
 “ neglect, is to deliver to the Chairman a certifi-
 “ cate, verified on oath, specifying in what man-
 “ ner the various acts relative to gaols, and the re-
 “ lief of prisoners, have been executed in his pri-
 “ son ;—and you are to take such certificate into
 “ immediate consideration, and make such orders
 “ respecting the same, as you shall deem neces-
 “ sary.”

You will observe, that although the regulation and the management of the prisons devolve to you according to the general tenor of the law, it was thought proper to continue the existence of the commission for building them, for the purpose of attending to the liquidation of the debt contracted under the direction of the commissioners: their executing this trust with punctuality, must depend on this court.——You are (by sect. 37) “ to
 “ direct your treasurer to pay to the treasurer of the
 “ commissioners, the sum of two thousand pounds
 “ annually, either in one or more payments ; and
 “ you are to make provision for this payment by
 “ augmenting the county rate so far as this addi-
 “ tional annual charge shall require ;”——the com-
 missioners will probably require this sum to be paid by quarterly instalments of 500l. each, so that they may apply their sinking fund to the best advantage.

The last duty referred to you by the county act, is designed to renew and invigorate a most neg-
 d lected

lected clause in the act of the 17th G. 3. which *positively* “ requires two justices in every district “ where a House of Correction is situated, (or two “ others appointed by the session) to visit the same “ twice *at least* in every year, and examine into the “ state and management thereof, and to report the “ same to the quarter sessions:”——This is *indeed* a duty, which, if now neglected, all hopes from every *other* may be abandoned.

It may be a question, whether rules made under general directions of your act, and not specifically mentioned in an enacting clause, can be *enforced* within the common gaol, consistent with the principle of the sheriff's exclusive jurisdiction; In many counties, indeed, regulations under apparent authority of the magistrates have been adopted in gaols, and even keepers chosen by them; yet it must be from an acquiescence of the sheriff, not by the power of the justices.

In a plan which I trust to the discretion of the Bench for adopting, not only in the manner most likely to give effect to the public munificence, but on grounds clearly incontestable, it would be folly to depend on the mere influence of general motives for an acquiescence in essential regulations;

By your county act, those emoluments which are the usual pay of the gaoler, are brought completely within the directions and will of this court: Sect. 50, “ Within one year after the reception “ of prisoners in the said new gaol, you are not “ only required to regulate and settle a table of “ fees to be taken by the keeper, but you are “ empowered totally to *disallow all or any such “ charges and fees.*”

When

When you reflect on the extent of that oppression which arises from the power of taking fees from men already in the last stage of pungent distress ;— When you refer to the annual account of county expences, you can want no further proof of the excess to which the charges on the county rate may be carried by the claim of fees.—The court will surely think, with me, that their time and attention can on no subject be so usefully employed, as in a complete investigation of this matter ; in freeing the DESTITUTE PRISONER from this tyrannical aggravation of his legal sufferings, and the PUBLIC from undefined charges drawn from them thro' the secret channel of cunning and collusion, instead of being openly received as the just and honorable reward of faithful and diligent service.

I trust that Gentlemen will feel the necessity of annihilating every pretension to emolument by fee, or by casual and uncertain claim ; and that they will, at the same time, approve of making the appointment of governor such as may command the *whole* attention of an honest and respectable man :—If we require good and liberal service, it must be rewarded by generous and liberal retribution*.

* Tho' I desire to be understood as disdaining any vulgar applause which may be attained by proposing rules merely with a view to *Parimony*,—yet *Economy* rightly understood, will credit and confirm every part of our proceedings :—It cannot be difficult to draw the line betwixt two principles which, if not *contrary* in tendency, are at least *distinct* in idea.—In what I have the honour to propose to this bench, I shall endeavour to distinguish between a necessary expence to effect a desirable purpose, and claims of office which are not less injurious to the public service, than burthensome to the public purse.

Sect. 51. This court (being duly assembled) by way of recompence for any diminution in the emoluments of the office, by regulation of fees, disallowing of charges, or other usual profits, is empowered to “ grant such salary and allowance to “ the gaoler and his assistants, as to them shall appear reasonable and satisfactory ;—provided only “ that no such salary shall be paid to any woman, or “ other person incapable of executing the office in “ person.” And in order to connect the duties of gaoler, as set forth by this court, with the emolument of his situation, the salary thus paid, is conditional, “ That he do regularly observe and “ keep the bye-laws, rules, and orders of the “ said gaol.”

The court will do the framers of your act the justice to believe, that the caution of these provisions was not suggested by the misconduct of any Sheriff: I should do an injustice to those Gentlemen who have served the county in that burthensome, but honorable office, if I did not bear testimony to their complete acquiescence in every measure adopted for promoting the health and regulating the interior police of the gaol: to one Gentleman the public has been indebted for active and useful assistance, in stopping the deleterious effects of the gaol disease.—In framing permanent regulations, we are to presume that *probable*, which is *possible*; we are to guard against the frailty not to depend on the virtues of men; while we look forward with confidence in the zeal of future Sheriffs, to promote the views of the magistracy, and the expectations of the public; we should recollect, that it is within the memory of many Gentlemen, when the custody of the gaol was rendered insecure, from a want of that intelligence,—that due operation

operation of endeavour, which should ever subsist between the Sheriff and the Magistrates.

Having thus submitted to your attention the heads of the duties of the magistrates, respecting the regulation of prisons, as well such as are *general*, as those which *particularly* affect this county, it is obvious, that many wise purposes of the legislature have lain in total neglect, and pernicious inattention, and, that the present exertion of this county, (which *appears* so new and extensive), is, *in fact*, little more than giving a vigorous effect to long existing and long neglected laws.

However the means provided for the security and punishment of desperate offenders may strike the public as the main object of our endeavours, I own it is to the Houses of Correction I look for that prospect of reform, which has animated my pursuit: On a good arrangement of the parts,—on a well digested police,—and on a prudent choice of keepers, will depend their efficacy;——but after every perfection in institution, they are still *but* means in your hands, to be applied to good ends by your care and assiduity.

It is to be hoped that in your future practice you will avoid hasty and indiscriminate commitment; and that you will apply the various degrees of constraint according to the age, the sex, or shade of turpitude of the offender. No offence actually proved, should be *unnoticed* or *unpunished*; for the smallest offence is a breach of that public right, which should be respected and supported

PURPOSES
of the PRIS-
ONS.—and
NATURE of
RULES.

supported; yet the consequences of all crimes which by the statute book equally incur the punishment of imprisonment, are not equally injurious to society: all ages are not equally answerable for their own conduct; nor are the sexes equally formed to resist the violence of corporal punishment.——The principle on which your prisons are constructed, (under due regulation), will provide for every aggravation of punishment within the purpose of the law; it admits of every extenuation consistent with that invariable respect, which is due to our pœnal system;

The ultimate severity will be fixed, the lenity may be applied at the discretion of the Magistrate, without violating the letter of the law, or without totally overlooking any offence*.

Notwithstanding the success of my former arguments to establish the necessity of rebuilding our prisons on a principle of complete discrimination and distributive justice, I am apprehensive their true application to these purposes is not yet generally understood; the ideas of *separate cells*, and *continued solitary confinement of prisoners within them*, seem so completely united in the public mind, that I fear the scale of punishments I have to offer, may not meet the general expectation.

* “Men (says the President *Montesquieu*) must not be led by excess of violence. We ought to make a prudent use of the means which nature has given us to conduct them. If we enquire into the cause of all human corruptions, we shall find that they proceed from the *impunity of crimes*, and not from the moderation of punishments.”

Esprit des Loix, *Nugent's translation*, book VI. c. 12. p. 122.

However

However I may risk the charge of repetition,—in justice to the design, I must *explain*, until I have *evinced*, the principle on which prisons, built as those in this county, can alone be made use of, consistent with common justice, or to the ends of law.

The resolutions of the county were founded on certain data, which being admitted, became the basis of all subsequent proceeding;—they have justified the *commissioners* in the plans adopted; they will support *me* in the regulations I shall propose, altho' I should reject an indiscriminating severity on the one hand, or a trifling indulgence on the other;

The ignorant tales that have been detailed to those whose curiosity has led them to inspect the buildings, magnified by the natural propensity to amplify scenes of horror, have attached a general idea of severity to the application, which, amongst other consequences, is supposed, and (it is possible), may have operated towards the remarkable diminution of offences that has lately taken place within the county;

However flattering such effects may be to the public sentiment, I must, for myself, disclaim every intention to reform, or to prevent crimes, by the apprehension of terror, which the law will not justify, and which must consequently vanish when this auxiliary phantom shall be dissipated by actual experience.

If Magistrates would be *firm* and *inflexible*, on a *mild system* of administration, they would rarely find occasion to enforce the *severities* of the law

law, much less need they resort to borrowed terrors*.

In some instances, where cells have been provided, it has been an inconsiderate practice to commit felons to wait their trial in *solitary* confinement, without paying any attention to its effects.—The practice has induced some doubts on the *legality*, and many obvious objections to the *practice*, of solitary confinement;

So considered, I certainly join in the *doubts* and the *objections*;—I am a stranger to the authority, by which a magistrate may make any such special commitment of a prisoner, when merely delivering him in charge of the Sheriff, who is no otherwise responsible to the magistrate, than for his safe custody;

If solitary imprisonment *is* a punishment; by what authority, or by what presumption of law, may it be inflicted before conviction?—If it *is not* a punishment, how can it be considered as an adequate sentence, on conviction of the greatest delinquency?

Whilst combating in this cause, I cannot withhold an observation on that loose and lawless reason often applied, to support this practice;—*Such*

* It is the observation of an excellent jurisprudential philosopher, that “ The greatest check to crimes, is *not* the *cruelty* but the *infallibility* of punishment; and therefore, to render the vigilance of the Magistrate, and the severity of the Judge, truly useful, they should be attended with a mild legislation: —The *certainty* of a punishment, tho’ moderate, will make a stronger impression, than the fear of one more terrible, joined to the hope of impunity; Because that the least of ills, when certain, terrify the human mind; whilst Hope (that heavenly gift, ever ready to relieve the mind) removes the idea of the greater, and the impunity which a weak administration affords, encreases its force.”

Beccaria dei Delitti e delle Pene, c. 27.

a man is so infamous in character, so palpably a knave, so clearly culpable before the Justice, it is a ridiculous refinement to term him innocent:—Send him to the cells and solitude, let him have six months reflection before his trial, least by an acquittal, he should afterwards get none at all.—NEVER TO ABANDON A PRINCIPLE FOR A PURPOSE is the soundest maxim in legislation, or in policy; it is the surest guide in our present labors; It is THE LAW OF ENGLAND, that general character shall in no case be heard in evidence against a prisoner on his trial,—nay, it is the duty of a Judge to prevent its effects on a Jury. Is it less the duty of the magistrate to see that it has no effect on *himself before trial*?

Those who would dispense SOLITUDE in the gross, or with general or unallayed severity, would do well to weigh its corroding effects on a mind loaded with guilt, and withheld from that habitual intoxication, which banishes reflection in the profligate; they would then feel, that it is something more than a mere *mode of keeping*, to be arbitrarily applied,—it will surely appear to deserve *some kind of sentence of the law* for its sanction;

Solitude, with due attention to its effects, will, I doubt not, reform the most hardened criminal, and *without attention, it ought never to be applied* *;

* It is my wish that this observation should be understood to its utmost extent;—should it ever again happen, that magistrates should neglect an inspection into the consequences of their own commitments, or relapse into a state of ignorance and insensibility to the situation, to which they sentence offenders; in such case, it will be the duty of the Court of Quarter Sessions, *immediately to suspend all punishments by solitary confinement, within any prison so neglected.* In no case does the law presume the Justice ignorant of the state of the prison, to which he commits to punishment; As to *solitary imprisonment, it must not exist longer than it is attended to.*—The plan of our prisons will be found to possess many great advantages, independent of the idea of solitude.

It should be strictly enforced, *until reflection be produced*, but something should *then* be offered, as the subject of reflection :—Total uninterrupted solitude will either *distract* or *stupidify* the mind ; I should presume it will seldom *reclaim* it.

The scale of punishment † I shall offer to your attention, is drawn with an eye to these considerations ; I trust it will be found adequate to every *good* purpose, and to avoid every *illegal* and *oppressive* proceeding ;—I am confident it is sufficiently severe for a first experiment.

The policy and the philosophy of the Penitentiary Act* is in no instance more displayed, in

† “ I wish (says Mr. Howard) all prisoners to have separate rooms ; for hours of thoughtfulness and reflection are necessary. —The intention of *constant solitary confinement*, is either to reclaim the most atrocious criminals ;—to punish the refractory, for crimes committed in prison ;---or to make a strong impression, in a short time, on thoughtless and irregular young persons. It should, therefore, be considered by those, who are ready to commit for a long term, petty offenders to *absolute* solitude ; that such a state is more than human nature can bear, without the hazard of distraction or despair ;—that it is repugnant to the act, which orders all persons in Houses of Correction to work ; —and that for want of some employment in the day, health is injured, and a habit of idleness, or inability to labour, is in danger of being acquired. The beneficial effects on the mind, of such a punishment, are speedy, proceeding from the horror of a vicious person left entirely to his own reflections ; This may wear off by long continuance, and a sullen insensibility may succeed.”

Howard on Lazarettos, p. 169.

* Although the provisions of the Penitentiary Act may well be accepted as sufficient authority, I shall add the testimony of an author, who had confirmed his theory by experience.

Monsieur de Vilane, in his address to the States of Flanders, says, “ A long term of imprisonment, without hope, produces a total indifference to a reform of manners, or to the spirit of industry ;—The mind is solely occupied with projects of escape, or mutiny, and, since it has not been thought proper to deprive the culprit of his life, why should we imagine means to render it insupportable ? Why should we not rather cultivate in his mind, the hopes of again being received into that society,

none

none more deserving imitation, than in the dividing the total of confinement into three portions, progressively lessening in severity; by this means, even in the longest term, there will be a hope within the mind's contemplation, that will preserve it from despondency; and the fear of forfeiting this hope will also be a check on the conduct of the culprit*.

In determining upon the situation of the Houses of Correction, regard was paid to the giving to each such a surrounding district, that peace-officers might not require more than a day in their attendance on any commitment. I should recommend, that this idea be supported by declaring the districts, from whence commitments should be made, to each Bridewell; and to this declaration, magistrates should attend in their practice.—The Bridewell in Gloucester should have a very small district allotted for general commitment; it would, perhaps, be a saving to the county, if totally set apart for the reception of such prisoners, on their first commitment, who must be brought to the Sessions to be discharged. By the 24th G. 3. c. 55. “The Magistrates may commit to the House of

“society, from whence his crimes have excluded him, after
“having expiated those crimes, and rendered himself worthy,
“by assiduous industry, and true repentance?”

Moyens de corriger les Malfaiteurs et Faineans---à leur propre Avantage, et de les rendre utiles à l'État, P. 103.

† The preceding argument I have taken the liberty to add to the address delivered to the Court, in consequence of some opinions communicated to me since the Sessions, and in reply to some doubts, that have been lately transmitted to me from some respectable magistrates of other counties.-----The order of the Bench to print the address, will give me an opportunity to transmit my answer more fully, than I could otherwise do;---and the argument, though, in fact, rather premature in this county, may not be altogether unnecessary.

“Correction,

“ Correction, instead of the common gaol, any
 “ person, whom they are empowered to convict in
 “ a summary way, without the intervention of a
 “ jury ;” and this is still further confirmed by the
 27th G. 3. c. 11, by which “ Justices are autho-
 “ rized to commit either to the common gaol, or
 “ House of Correction, as shall seem most proper,
 “ such vagrants, and other criminals, offenders,
 “ and persons charged with, or convicted of small
 “ offences, as by virtue of any law now or here-
 “ after to be in force, they are authorised to com-
 “ mit to the common gaol” ;

The prisons are built, and the regulations should be adapted to the design of these clauses.

Felons of every description, and all persons for trial by jury, either at the Assize or Quarter Sessions, should be sent to the Gaol ; King’s evidence will there no longer be in danger of communication with their accomplices ;—The class of prisoners, called Fines, or those who are debtors to the King for penalties unsatisfied, should also be in the Sheriff’s custody ;—Prisoners of every other description, should be sent to the most neighbouring House of Correction ; It will be less expensive to the county, and it is infinitely more consistent, that they should be confined in a prison of punishment.

The regulations for the conduct of the Penitentiary House, and other Houses of Correction, should have a two-fold direction—The GOVERNMENT or police ;—and the EMPLOYMENT of the prisoners ;—The ideas should be kept distinct, not so as to counteract each other, but each to exist complete without the other ;—It is doubtful, if so permanent a system of labor can at first be established

established, as that the spirit of the regulations should depend upon it.

The law is so express relative to the discipline of Bridewells, that I have had little more to do, than to collect and to arrange the positive injunctions of the statutes; Where they are deficient, I cannot too strongly recommend a decisive system to be laid down for those who govern, to which the magistrates should require a precise conformity;—Obedience to the letter of your rules, and nothing less, should be an excuse for every act of your keepers;—A temporary evil, arising from an ill adapted regulation, will be less injurious, than suffering the arbitrary opinion of a keeper, to judge of a deviation from it;—The prisons will be frequently visited by magistrates, whose duty it will be to report their observations at every Quarter Sessions;—Errors in institution will gradually be discovered and remedied; and we may hope, that a system of perfection, which is surely beyond the reach of the theorist, will grow out of the observation and practice of your administration.—Men qualified for the situation of keeper, will at best be difficult to fix upon; you cannot render the duty too systematic and mechanical;—Men accustomed to regularity and discipline may be found, who will obey your rules; but such, who, in addition to these qualities, possess the faculty of judging prudently on circumstances, as they present themselves, are too rare to be depended upon, in forming so permanent an arrangement as is now before us *

* " I have often wished (says Mr. Howard) that gentlemen would make rules for the conduct of gaolers, as well as for prisoners; and many gaolers have wished for such rules.—

GLOUCESTER
PRISON.

The appropriation of the building inclosed within the walls of the Gloucester Prison, provides for two general divisions.—In the gaol, or sheriff's prisons, there is no class of prisoners on whom we *ought* to inflict punishment, or suffer it to be inflicted, farther than to support that police, which is essential to health, security, and decorum; The rules, therefore, should tend solely to those points, and to the punishment of the refractory and the contumacious.—On the contrary, the Magistrates' prison will contain no prisoners who can be presumed innocent; they are all under sentence of the law, more or less severe.—I have formed a table for each class of prisoners, and a general table which regards the conduct of the officers.—The rules are selected from clauses of statutes, where they apply;—from the directions of the county act;—from the practice of establishments either in English or foreign prisons;—and with attention to the observations of our worthy theorist, to whose suggestions we are indebted for the first principles of the work we are engaged in.

I greatly regret I am not enabled to speak more specifically respecting labour in your prisons; in fact, nothing satisfactory has presented itself to me in consequence of my private enquiries, or pub-

“ New keepers would then be informed, that steady discipline
 “ and strict regularity would do more to keep prisoners in health,
 “ and prevent the commission of crimes in gaols, than severity and
 “ oppression.—I have often thought, that a sober, humane, half-
 “ pay officer, would make one of the best gaolers.”

Howard on Lazarettos; p. 274.

lic advertisement. The constant attention the buildings have lately required, has prevented my investigating this part of the subject as I intended, or as it deserves. In the appointment and duty of the officers, I have directed your attention to a mode in which industry may have every possible encouragement, and may by degrees introduce itself to some beneficial effect*.

An idea of the nature of the offices which are OFFICES to be filled, will be best collected from the rules respecting them; and this leads me to the most material and interesting point,—the *character* and *choice* of persons to fill those offices.

Arraigned as I am before a jealous public, depending solely for my reward of a seven years' anxiety on the effect my endeavours may produce on the morals of society; I trust I shall meet your indulgence, if I rather pass the bounds of your re-

* I trust I shall not be understood as slighting the idea of employing prisoners:—I am confident it will prove the great means of working their amendment, when wisely tempered with due degrees of solitary confinement.---But the working by machine in almost every branch of hard labour that requires no skill, has so compleatly undervalued such work by hand, that I would not raise the public expectation too high, relative to the *productive* consequences of *forced* labour. All other good consequences must inevitably follow.

“Some have supposed, that the profit of the work in a house of correction might support the expence of the house;---but however it may appear in speculation, the practice is always found otherwise. The difference is great betwixt involuntary labour, and that which is performed from choice. In the best regulated houses of correction in Holland, taxes are fixed for their support.”

Howard's State of Prisons, 3d edit. p. 91.

but

quisition, in claiming your earnest attention to a consideration, which must decide the issue betwixt me and the incredulous. THE GOOD EFFECT OF THIS MUNIFICENT EFFORT OF THE COUNTY WILL DEPEND ON A PROPER CHOICE OF KEEPERS: I am the more apprehensive on this account, from the proposals that have been already made to me by persons, *generally* worthy of protection and support, but deficient in qualities essential to the *special* purpose.

It has been the most severe part of the duty imposed on me by the county (I trust it is a part the most opposite to my natural propensity) to resist the claims of honest indigence and misfortune, to favour and indulgence, which a strict regard to the interest in trust would not assent to. At this moment, when we are preparing to reap the benefit of these sacrifices, let us not yield to any influence extraneous to the purpose we are to provide for. Honesty and sobriety are certainly qualities, without which no man is fit for *any* trust,—they are indispensable in this; yet, although indispensable, there is nothing in them on which we may *rest* our attention in a choice of this nature. A numerous family, misfortune in life, long menial service, and connections within our knowledge, are circumstances that should open the heart to protection and relief; but in this case, I must reluctantly say, their impression on the mind must be suspected, and guarded by a sense of public duty. A man may possess every claim to our pity, that misfortune and distressed integrity can give him,—he is not a whit the nearer what you seek. The cry of penury and innocence may assail us, but we shall give but a bad account of our feelings to ourselves,

selves, if we have no other way to satisfy the claims of suffering humanity, than by sacrificing to it our regard to the public interest.

Were it on the INTEGRITY of the Magistracy of this county that my hopes depended, I might rest in confident assurance of a full effect to all my wishes ; I should be satisfied that in the appointment to the offices you are about to fill, you would *individually* and *collectively* resist every spirit of patronage and private favour, to whatever end, and from whatsoever motive, it should present itself ; but when I am to arm your JUDGMENT against your SENTIMENT, and to shield with cold reserve the benevolent propensities of the heart, I may be allowed some doubts of my success. The qualities of the man, *relative to the situation in which we are about to place him*, are those only we ought to attend to ; they are those to which alone we *must* attend, if we consider power delegated to us for public benefit, and not for private gratification.

The qualities required for this situation are, I fear, too rare to be the portion of *many* candidates. There is hardly a natural character of the mind that would render a man distinguished in *any* situation, that is not almost essential to form a *perfect* GOVERNOR OF YOUR GAOL AND PENITENTIARY HOUSE. To the qualities of honesty and sobriety, must be added that HUMANITY, which is rather the result of coldness of character, than the effect of sensibility,—A PATIENCE, which obstinacy the most pertinacious, cannot overcome,—and a SENSE OF ORDER, which is method,—which is rather mechanical than reflective,—and which few men obtain but by long habits of resignation and obedience.

Such men are to be found, though *rarely* in the class most likely to *offer* their services ; they must be *sought for* amongst those whose views of life have been simple, and whose merits are hidden under an unassuming resolution and a diffident integrity ; or selected from a profession, where the passions are habitually subjugated by discipline. For the government of THE HOUSES OF CORRECTION we may contract this *extensive* idea of perfection. If our rules and orders are well digested, the abilities of the governors may be limited. It will be more to the purpose, to avoid an active disposition attended with self-conceit, and a busy display of trifling talents.

So little have *these*, or indeed *any qualities*, or *character* been considered in the usual appointment to these trusts, that persons have not formed themselves for the situation, unless the contracting habits of chicanery may be so termed ; The inattention to merit and character in those *appointed*, has debased the situation ; Convince the public, that they will be the *sole* recommendations ; and you will raise the views of respectable men to the attainment ; and should you be so fortunate as to make a good choice in the outset : example and a due attention to the appointment of the inferior servants, will furnish a succession, the prospect of which will be a stimulus to their good behaviour.

The less connected and incumbered with family concerns, the more will a keeper be enabled to enter into the duties of his office ; the cares and affections of a family must produce a distraction from those attentions which should be *uniform, constant, and complete*. I do not know that the objection holds merely to a married man who has no children ; it is *possible*, indeed, that a keeper's wife

wife *may* be a most useful acquisition; she *would* be such, if she would pay attention to the sick, and to the morals of prisoners of her own sex;— But I leave it to the decision of those, who, from domestic connection, are entitled to a better judgment on the *exclusive* tendency of maternal affection; if much is to be *expected* from her attention to objects foreign to the immediate concern of her family.

The inhabitants of a prison are bad society for the education of children, and it would be impossible so to controul the conduct of young people as to prevent their breaking through the police.

You are to consider that in all your prisons, (except one) the residence of the keeper is in the center of the building; and that the wants of a large family cannot be supplied without much more general intercourse than will be consistent with our regulations; the constraint, which their observance will occasion, will render the family restless under them, and they will be perpetually broken thro'; the smaller the family the more easily can the master of it be answerable for the conduct of those who compose it;—If these considerations be overlooked, it should be a part of the regulation, *that children be placed out at a certain age.*

I recommend that the governor of the Penitentiary be appointed keeper of the house of correction adjoining; he must also be annually recommended as keeper of the gaol; presuming on the acquiescence of the Sheriff, his authority will be supreme (as it ought to be) within the walls.

The duty of employing convicts and encouraging industry, seems of itself fully sufficient for an officer specially appointed; I therefore propose the appointment of a task-master to the peniten-

tiary-house and house of correction, whose *business* and whose *interest* it will be to employ every hand he can set to work; he will fill the place of first turn-key or second keeper; he ought to be an active and intelligent person, and used to the direction of manufacturers.

It is necessary to state to you that hitherto no allowance whatsoever has been attached to the office of gaoler in nature of a *direct* and acknowledged salary; The indirect emoluments have rendered it nevertheless a very lucrative situation; They arise from weekly fees paid more or less by *all debtors* for lodging, for entering actions, process, &c. &c.—2dly. By fees paid *by the county*, for discharge of prisoners in Court at the Assize and Sessions, and for the removal of transports, and by an allowance in lieu of a tap.

It is evident, that emoluments drawn from such means must be fluctuating and uncertain; and that, as they are probably increased from uncontrolled exactions, they seldom will be avowed to such an extent as to enable an enquirer to form a correct estimate of the amount.

Of the various fees claimed by the gaoler, some are established by ancient usage, some regulated as directed by statute; the most exorbitant are so unreasonable, that they must have had their origin from the negligence of magistrates, in permitting the first attempts to pass unnoticed.

A table of fees was made out in the year 1729, which you will now of course re-consider, together with *every other claim of the gaoler*, not with intent, I hope, to confirm *any of them* to him, or to mark the extent of his allowance from the amount.

Some

Some fees may possibly be allowed still to exist without oppression, and as an aid to the police; but such should be accounted for, and deducted from the salary.

I never can be induced to consider the extent of an extortion practised in any office as a line to direct the salary to be allowed on reforming it. The salary is not to be considered as a compensation for the EXTORTION, but in reward of the SERVICE; It should therefore have a regard to that SERVICE, and not to the EXTORTION *. The contrary conduct has in similar instances had its advocates; but it is a most singular idea of correcting a transgression,—to *establish its effects* by converting a *precarious* into a *permanent* charge.

In the choice of all assistants, I not only recommend attention to character, but to such acquirements, as, when improved by experience, may enable them to rise to higher offices; every assistant should be able to write legibly, and possess a competent knowledge of arithmetick.

In the establishment of your houses of correction, the management of labour may be placed in the hands of the keeper, giving him the power to employ assistants “to instruct the prisoners in any trade,” as the Act directs.

* It is to be observed that the gaoler is an officer newly appointed every year, and therefore cannot make the common plea of claim for a right to any thing from possession.

What I have said on this subject in general regards the office;—it is by no means my intention to apply it particularly to the present gaoler. I know of no extortion he has been guilty of, in which he has not been warranted by former precedent. I believe him to be a humane and an honest man.

In

In regard to the very material office of CHAPLAIN, you will perceive, by the rules I shall present to you, that I have allowed such share of temporal authority, as shall make his spiritual advice respected. It is of the utmost consequence, that such Clergymen should be appointed as will cheerfully take a share in the general superintendence, and who, in the act of doing good, will overlook the scantiness of the reward.

I greatly fear, that the emolument it is in our power to give, and the service required, compared, we cannot have great choice of candidates who will devote themselves to the situation; yet I venture to suggest, that where the circumstances of an application shall be such, as not to ensure an efficient service, it will be your duty not to make any appointment.

From the nature of the applications already made to me, I am apprehensive, the situation is considered as a *beneficial Sinecure*, the object of patronage and private favor with the Bench; In justice to ourselves, as well as to those Clergymen, who may otherwise give themselves trouble on a mistaken idea, it seems necessary that we should declare, that in our appointment of chaplains, we shall by no means consider the situation as a FAVOR CONFERRED;—*duly* given, and *duly* accepted, the public will remain more obliged than obliging, by the appointment; In any other light (as an individual magistrate) I shall not only resist the idea of patronage, but (before my determination can be presumed to have a personal direction) I desire to be understood—that should I, at any future time, perceive, that any Clergyman had accepted the situation of chaplain with any other view, than that of fulfilling a duty (honourable to himself) with attention

tion to the prisoners, (let him possess what support he may) *I will, at the ensuing sessions, move, that his salary be discontinued.* In thus delivering my individual determination, I have not a doubt, but I am conveying to the public the sentiments of that respectable magistracy, with whom I have the honor to act, and by whom I have hitherto had the flattering satisfaction to be unanimously supported.

The *character* I consider as fitting the situation of chaplain, is peculiar to itself. It is not possible that any man should execute the duties, with advantage to his charge, whose mind revolts at the service; and the temper of mind, that will produce an inclination to the duty, is rather natural than moral:—Many excellent men, who live an honor to their profession, and whose manners and abilities are the charm of society, would very ill fulfil duties, that should call them to scenes of misery in solitude and suffering; yet *there are* those, whose minds, so far from revolting, find indulgence in that expansion, which attends duties of this kind. To persons busy and employed in the active and cheerful scenes of life, it may appear abstracted to speak of such an indulgence; but how abstracted soever it may appear, I believe it to be a truth founded in the harmony of moral dispensation, *that there is no positive social duty, that has not a corresponding incitement in the affections of the heart.* In those, whose circumstances, or whose disposition fix them to reclusive and reflective life, the mind takes the tone of its affections from its habits; and the nerves become agreeably excited by objects of commiseration; From such, only, may be expected that earnest exertion, which will have a constant effect.

Such

Such are Mr. Jameson, and Mr. Hodgkinson, the exemplary and excellent chaplains of the gaols at Horsham and Reading; and such, doubtless, are many others, who fill, (unknown to me) this useful office, who, should they seek public respect, in addition to their own feelings, will find it in the breast of every good citizen.

Respecting a SURGEON, I trust the nature of his duties will be rather to *prevent* evil, than to *correct* it. If we regulate, as we ought to do, sickness and disease will be unknown in our prison; however, a man of character should be appointed, as a considerable part of the police of the prison will depend on his reports.

Thus, Gentlemen, having gone through the material part of your requisition: If I have exceeded the bounds of your request, my zeal to give every possible effect to your labours must be my excuse.

G. O. PAUL.

gratuitous : and such data as required

to agree to the confirmation of the Judges of
 the Bench, having been sanctioned by

that authority, **HIS MAJESTY'S** authority before

JUSTICES of the PEACE

FOR THE

COUNTY OF GLOCESTER,

My Lords and Gentlemen,

THE regulations and bye-laws
 for the government of the pri-
 sons of this county, which in a for-
 mer edition I had the honor to re-
 commend to your consideration,
 having been approved by a nume-
 rous and respectable Bench of Ma-

g

gistrates

gistrates ; and such parts as required the confirmation of the Judges of Assize, having been sanctioned by *that* authority ;—They come before the public in a manner that allows me no longer to question their competence to the intended purpose.—It remained for me only to fulfil the request of the Bench, by superintending their publication ;—This I have done, and am

Your faithful servant,

G. O. PAUL.